

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

NIKI FRENCHKO,

Plaintiff,

v.

PAUL MONROE, *et al.*

Defendants.

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:
: Case No. 4:23-CV-781
:
: Judge J. Philip Calabrese
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:

**NOTICE OF RESERVATION OF RIGHTS AND
APPEARANCE BY THE OFFICE OF THE OHIO ATTORNEY GENERAL**

The Office of the Attorney General has received notice of Plaintiff's constitutional challenge to Ohio Revised Code (ORC) Section 2917.12, included in their Complaint, filed on April 17, 2023. Having read and examined the relevant pleadings, the Attorney General has elected not to participate at this time.

RC. 2721.12 imposes a notice requirement on parties contesting the constitutionality of a statute. This requirement mandates "service of a copy of the proceeding on the Attorney General when a party challenges the constitutionality of a statute in a declaratory judgment action." *Ohioans for Fair Representation v. Taft*, 67 Ohio St.3d 180, 182, 616 N.E. 2d 905 (1993); *see also Cicco v. Stockmaster*, 89 Ohio St.3d 95, 728 N.E. 2d 1066 (2000). The Attorney General then has discretion as to whether to "be heard" in a particular matter. *See* R.C. 2721.12. The Attorney General respectfully requests notification of any future developments regarding the constitutional challenge in this case and reserves the right to seek leave to appear and be heard at a later time. This decision is not based upon the Office's view of the ultimate merits of any issue raised in this case.

Respectfully submitted,

DAVE YOST (0056290)
Ohio Attorney General

/s/ Phillip T. Kelly

PHILLIP T. KELLY (0102198)
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Counsel for the Ohio Attorney General Dave Yost

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2023, a true and accurate copy of the foregoing *Notice of Reservation of Rights and Appearance by the Office of the Ohio Attorney General* was served upon all counsel whom have entered appearances via the Court's electronic filing system.

Further, a copy has been sent via US Mail to the following:

Paul Monroe
160 High Street N.W.
Warren, Ohio 44481

Trumbull County
160 High Street N.W.
Warren, Ohio 44481

Trumbull County Board of Commissioners
160 High Street N.W.
Warren, Ohio 44481

Trumbull County Sheriff's Department
160 High Street N.W.
Warren, Ohio 44481

Sergeant Harold Wix
160 High Street N.W.
Warren, Ohio 44481

Sergeant Robert Ross
160 High Street N.W.
Warren, Ohio 44481

Mauro Cantalamessa
160 High Street N.W.
Warren, Ohio 44481

Frank Fuda
160 High Street N.W.
Warren, Ohio 44481

Defendants

Defendants

/s/Phillip T. Kelly

PHILLIP T. KELLY (0102198)

Assistant Attorney General